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OFFICE OF PETITIONS

In re Application of
Jan Trebesius
Application No. 09/869,550
Filed: January 8, 2002
Attorney Dkt. No: (H) 011CP0235USP

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 30, 2008. Petitioner has also filed a request to expedite the petition under 37 CFR 1.182.

The petition to withdraw the holding of abandonment is **Dismissed**.

The petition for expedited treatment under 37 CFR 1.182 is **Granted**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application was held abandoned for failure to timely file a response to a final Office Action which was mailed on May 3, 2005. The final Office Action set a three (3) month shortened statutory period for reply. A reply in the form of an RCE, amendment, abstract, specification, request for three month extension of time and a credit card authorization was submitted. A Notice of Requiring Excess Claim Fees was mailed on November 30, 2005. Accordingly, this application became abandoned on November 4, 2005. A Notice of Abandonment was mailed on September 20, 2007.

Petitioner asserts that a reply to the final Office Action was timely submitted on November 3, 2005. Petitioner maintains that a general authorization to charge deposit account 11-0665 was submitted on filing. Thus petitioner maintains the \$10.00 shortage should have been charged to the deposit account. Petitioner has provided evidence that \$10.00 was present in the deposit account in November 2005.

Although the evidence presented demonstrates a reply was timely submitted, the submission of the petition to withdraw the holding of abandonment is untimely. 37 CFR 1.181(f) provides that, inter alia, except as otherwise provided, any petition not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely.

Petitioner may wish to provide a petition to revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions